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BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268-0001

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

SPECIAL SERVICES REFORM, 1996

Docket No. MC96-3

DOUGLAS F. CARLSON  
MOTION TO COMPEL UNITED STATES POSTAL SERVICE  
WITNESS JOHN F. LANDWEHR  
TO ANSWER INTERROGATORIES DFC/USPS-T3-3(d)-(f)

August 31, 1996

Pursuant to section 25(d) of the Rules of Practice, I, Douglas F. Carlson, hereby request that the commission order United States Postal Service witness John F. Landwehr to answer interrogatories DFC/USPS-T3-3(d)-(f).

**BACKGROUND**

Interrogatory DFC/USPS-T3-3 reads as follows:

On page 7, lines 16-20, you stated, "Many San Luis customers are the recipients of benefit checks from federal and state authorities, who typically verify the physical addresses of clients who use post office boxes. The process for responding to these requests under the Freedom of Information Act is resource intensive. This office typically receives from 80 to 100 such requests every four weeks."

a. Please identify the percentage of resident boxholders in San Luis whose addresses are verified by federal and state authorities.

b. Please identify the percentage of nonresident boxholders in San Luis whose addresses are verified by federal and state authorities.

c. Is the federal and state authorities' practice of verifying the physical addresses of clients who use post-office boxes unique to San Luis, Arizona?

d. If the clients described in (c) were instead residents (as defined for this rate case) of another



and had a post-office box in that city, would that post office expect to receive verification requests similar to those that the government agencies serve on the San Luis post office?

e. If your answer to (d) is yes, is the client's status as resident or nonresident, as defined for purposes of this rate case, at all relevant to assessing the burden these clients cause for the Postal Service?

f. If you are unable to provide data for (a) and (b) above, please explain the basis for the implication in your testimony that responding to these verification requests is a challenge "rooted in the non-resident customer base." USPS-T-3 at p. 7, line 10.

Witness Landwehr responded as follows:

(a) & (b) I have no basis for answering these questions. See also my responses to DP/USPS-T3-1 and 5. While the San Luis postmaster estimates that 85 percent of the FOI address verification requests she receives are local residents, it is not clear how she defines "local" or "resident."

(c) No. See 39 CFR 265.

(d) I am unable to answer this question, which calls for speculation.

(e) Not applicable.

(f) See my responses to DBP/USPS-T3-1 and 5.

## **DISCUSSION**

### **Subsections (d) and (e)**

Witness Landwehr has failed to answer the questions. Subsection (d) in no way calls for speculation. Rather, the answer to the question turns on whether the Freedom of Information Act (FOIA) requests served upon the San Luis, Arizona, post office for its boxholders arise (1) because these boxholders happen to live in San Luis, or,

alternatively, (2) because the government seeks physical-address information for these individuals.

Witness Landwehr's testimony suggests that explanation (2) applies because he speaks generally when he states that federal and state authorities "typically verify the physical addresses of clients who use post office boxes." USPS-T3, p. 7, lines 17-18. If explanation (2) applies, one must question why the residence status (as defined for this rate case) of the boxholders in San Luis is in any way relevant as evidence of the burdens that nonresident boxholders cause, since these FOIA requests are personal to the individuals and in no way depend on these boxholders' address. For example, if a "nonresident" San Luis boxholder instead obtained "resident" box service at his local post office, his local post office still would receive the same FOIA request that the San Luis post office would have received had this boxholder been a "nonresident" boxholder in San Luis. The burden on the Postal Service would be unchanged. If explanation (2) applies, the answer to subsection (d) then would be "yes," and the answer to subsection (e) would be "no."

If explanation (1) applies, witness Landwehr should provide an explanation and evidence of why federal and state agencies seem to isolate San Luis, Arizona, as an address that triggers verification requests.

If witness Landwehr does not have sufficient information with which to select explanation (1) or (2), he should explain how the experience of the San Luis post office provides any insight into the alleged unique burdens that nonresident boxholders cause over and above the burdens that resident boxholders cause.

In the event that the commission determines that subsection (d) does call for speculation, the commission nevertheless should compel an answer to the interrogatory because the Postal Service did not file a timely objection to the question. See Rules of Practice § 25(c).

**Subsection (f)**

Subsection (f) of the interrogatory applies because witness Landwehr was unable to provide data for subsections (a) and (b). Witness Landwehr failed to answer the question, which seeks to discover how the San Luis post office provides an example of the challenges "rooted in the non-resident customer base" absent evidence that the residence status of the boxholders affects the burden of answering FOIA requests.

**CONCLUSION**

Interrogatories DFC/USPS-T3-3(d)-(f) are highly relevant to this proceeding because they examine whether the FOIA requests served on the San Luis post office are related to the residence status (as defined for this rate case) of

the San Luis box customers. If they are not, one must question why these verification requests are evidence of the burdens that nonresident boxholders allegedly cause. I contacted counsel for the Postal Service on August 28, 1996, to request a revised answer to these subsections. In spite of the commission's desire to expedite discovery through written interrogatories (see Rules of Practice § 25 and Ruling No. MC96-3/3, Attachment B, p. 6), the Postal Service refused to provide revised answers. Therefore, I respectfully request that the commission order the Postal Service to answer the questions.

Dated: August 31, 1996

  
DOUGLAS F. CARLSON

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon the required participants of record in accordance with section 12 of the Rules of Practice and sections 3(B)(3) and 3(C) of the Special Rules of Practice.

August 31, 1996  
Emeryville, California

  
DOUGLAS F. CARLSON